

NO. X06-UWY-CV-18-6046436-S : SUPERIOR COURT
ERICA LAFFERTY, ET AL. : COMPLEX LITIGATION DOCKET
V. : AT WATERBURY
ALEX EMRIC JONES, ET AL. : MARCH 22, 2022

NO. X-06-UWY-CV18-6046437-S : SUPERIOR COURT
WILLIAM SHERLACH : COMPLEX LITIGATION DOCKET
V. : AT WATERBURY
ALEX EMRIC JONES, ET AL. : MARCH 22, 2022

NO. X06-UWY-CV-18-6046438-S : SUPERIOR COURT
WILLIAM SHERLACH, ET AL. : COMPLEX LITIGATION DOCKET
V. : AT WATERBURY
ALEX EMRIC JONES, ET AL. : MARCH 22, 2022

**PLAINTIFFS' OBJECTION TO DEFENDANTS' MOTION
FOR PROTECTIVE ORDER RE: DEPOSITION OF ALEX JONES**

Yesterday, less than 48 hours before it was set to begin, counsel for the Jones defendants filed a motion for a protective order seeking to postpone Alex Jones's deposition. The claimed basis: "at approximately 3:30 p.m. [that] afternoon," his counsel, located on the east coast, "received a telephone call alerting him that Mr. Jones was under the care of a physician for medical conditions that require immediate, and possibly, emergency testing." Defs.' Am. Mot. for Protective Order 1, DN 730. According to the unidentified caller, who, apparently is not a physician, Mr. Jones was then under the care of a physician. Then, in an apparent separate call, counsel purportedly spoke to an individual who claimed to be a physician qualified to render an opinion "about Mr. Jones's health, and that his opinion was that Mr. Jones should not sit for

depositions this week.” *Id.* No letter from a physician, or any other evidence of any such medical condition, was provided.

The Jones defendants’ motion seeking to postpone Mr. Jones’s deposition, which was first scheduled in the Fall of 2021, represents yet another threadbare attempt to delay these proceedings and to shield Mr. Jones from an experience that puts him in peril – not because he is ill but because he will be under oath and bound to tell the truth. The Jones defendants have not made the required showing for a protective order to enter, and this Court should reject such an obvious gambit.

The party seeking a protective order under Practice Book Section 13-5 bears the burden of establishing the contemplated “good cause.” See *Babcock v. Bridgeport Hospital*, 251 Conn. 790, 848-49 (1999). “[T]he party seeking to bar [discovery] must make a threshold showing that there is ‘good cause’ that the protective order issue.” *Clarkson v. Greentree Toyota Corp.*, 1993 WL 137566, at *2 (Conn. Super. April 20, 1993) (Mcgrath, J.). “The showing must involve a particular and specific demonstration of fact, as distinguished from stereotyped and conclusory statements.” *Id.* (quoting *Hardisty v. Zoning Commission of the Town of Woodbury*, 2 CSCR 433 (March 10, 1987, Gill, J.)).

The Jones defendants have not demonstrated any facts upon which this Court should order a postponement of his deposition. In fact, the careful, unsworn wording of the Jones defendants’ counsel does not even establish that a physician has evaluated Mr. Jones. It was the first caller – likely Mr. Jones himself – who said that Jones was under the care of a physician. The second caller, who claimed to be a physician, though not Mr. Jones’s primary care physician, did not say he/she had evaluated Mr. Jones. Given the suspicious timing and circumstances of this unknown diagnosis and Mr. Jones’s own history of submitting false information to this Court, the Court – and the plaintiffs - have good reason to be suspicious of Jones defendants’ motion. Putting all that to one

side, however, it seems improbable that Mr. Jones was “under the care” of a physician at 2:30 PM CT yesterday. After all, while the supposed physician was with Mr. Jones and purportedly calling defense counsel, Mr. Jones was speaking live on his radio and internet show, as he had been for an hour and a half, and he would for another two and a half hours. *See The Alex Jones Show, Zelensky Threatens “World War 3” If NATO Fails to Attack Russia & Start Nuclear War – Full Show 3/21/22*, BANNED.VIDEO (Mar. 21, 2022). From 1 PM until 5 PM Central Time yesterday afternoon, Alex Jones was broadcasting live on his show. Additionally, he claimed he had been on “a couple of shows this morning.” Alex Jones Show, *ALEX JONES [2 OF 4] MONDAY 3/21/22 • DR BEN MARBLE - MYFREEDOCTOR, NEWS, REPORTS & ANALYSIS*, BITCHUTE (Mar. 21, 2022), <https://www.bitchute.com/video/mkWxEAreclnf/>.

For much of the time between 2 and 3 PM, Mr. Jones was speaking on the air with Dr. Ben Marble. Dr. Marble is a Gulf Breeze, Florida physician who created a free telemedicine website during the Covid-19 pandemic called MyFreeDoctor.com. If Mr. Jones was in the “care” of any doctor yesterday afternoon, it appears to have been Dr. Marble, which makes the Jones defendants’ motion all the more cynical. If so, it appears that Dr. Marble has a very liberal interpretation of “care”: he was speaking to Mr. Jones as a guest on The Alex Jones Show. *Id.* At no point did they appear to discuss Mr. Jones’s medical condition. Instead, they discussed their belief that Dr. Anthony Fauci should “get the death penalty” for combining a “man-made Frankenstein virus . . . into Covid-19” and thereby becoming the “greatest mass-murderer in the history of the world.” *Id.* Even if they met earlier that day, it strains credulity to imagine that Mr. Jones’s condition is too dire or emergent for a deposition later this week—he was capable of speaking for four hours on the air yesterday, and there is no indication he is canceling his show for today.

Regardless, Dr. Marble has very questionable credibility. He has claimed at a public event that the website has “delivered over 150,000 free doctor visits” to patients with Covid-19, the operation has “only lost four patients,” and has “a 99.99% survival rate,” MyFreeDoctor.com explains in fine print that that it “does not engage in the practice of medicine or provide any other health services.” Timothy Johnson, *Doctor praised by GOP senator tells Alex Jones the pandemic could be ended via bombings and assassinations*, MEDIAMATTERS (Feb. 15, 2022), <https://www.mediamatters.org/alex-jones/doctor-praised-gop-senator-tells-alex-jones-pandemic-could-be-ended-bombings-and>.

More disturbingly, in a February 14 broadcast of the Alex Jones Show, Marble blamed the Covid-19 pandemic on “globalists” and “political correctness” before claiming that a number of people deserved to die and that if he were the President of the United States, he would have them killed:

A lot of people don't realize it but George Soros is a literal Nazi. ... Why he's still alive, I don't know. If I was president, he would be the first person I would take out, along with Klaus Schwab, Bill Gates, and Fauci, and a few others. Those people, minimum, they need to be arrested and on trial. ... The job of soldiers during war is to arrest and/or kill the enemy. Well, first you have to know who the enemy is. And I'm clearly stating who the enemy is. The enemy is Nazi Klaus Schwab, Bill Gates of Hell, George Sore-ass, Dr. Death Fauci, Dementia Joe, Kamala Whore-is.

Id. At another point during that same broadcast, Marble claimed the Covid-19 pandemic was planned, stating, “If I was president, I would drop a bomb on the World Economic Forum at Davos the next time they meet. And the ‘plandemic,’ this whole thing, would end that day.”

The Jones defendants have so far provided no evidence that Mr. Jones was ever evaluated by a physician, let alone that he was reliably and credibly evaluated to have some sort of medical condition that would prevent him from attending his deposition this week. The motion appears to be a threadbare attempt at delay.

The motion is a flimsy attempt at delay. It is only the latest of many. In addition to the long history of obfuscation and delay that led to the sanctions in this case, the Jones defendants recently postponed the deposition of Free Speech Systems, LLC's Corporate Representative, Attorney Britney Paz. That postponement required the plaintiffs to move Mr. Jones's deposition back to this week. They have also suggested that they may need to extend the trial date in this case. Hrg. Tran. 8-9 (March 9, 2022).

If the Jones defendants do not provide a physician's letter, the Court should reject their Motion out of hand. Even if one is ultimately submitted, if the Court chooses to review it, the Court should not do so *ex parte*. In general, "a court's reliance on *ex parte*, *in camera* submissions is strongly disfavored." *Schiller v. City of New York*, 2008 WL 1777848, at *5 (S.D.N.Y. Apr. 14, 2008) (Sullivan, J.) (citing *Abourezk v. Reagan*, 785 F.2d 1043, 1060-61 (D.C. Cir. 1986)); see also *Weil v. Markowitz*, 829 F.2d 166, 175 (D.C. Cir. 1987) ("[T]he conduct of most judicial actions *ex parte* are generally disfavored in American jurisprudence."). Here, the Jones defendants have offered no reason why the sealing and confidentiality procedures that have governed this entire case—including voluminous and potentially sensitive medical records of the plaintiffs—are insufficient.

THE PLAINTIFFS,

By: /s/ Christopher M. Mattei
CHRISTOPHER M. MATTEI
ALINOR C. STERLING
MATTHEW S. BLUMENTHAL
KOSKOFF KOSKOFF & BIEDER
350 FAIRFIELD AVENUE
BRIDGEPORT, CT 06604
cmattei@koskoff.com
asterling@koskoff.com
mblumenthal@koskoff.com
Telephone: (203) 336-4421
Fax: (203) 368-3244
JURIS #32250

CERTIFICATION

I certify that a copy of the above was or will immediately be mailed or delivered electronically or nonelectronically on this date to all counsel and self-represented parties of record and that written consent for electronic delivery was received from all counsel and self-represented parties of record who were or will immediately be electronically served.

For Alex Emric Jones, Infowars, LLC, Free Speech Systems, LLC, Infowars Health, LLC and Prison Planet TV, LLC:

Norman A. Pattis, Esq.
Cameron Atkinson, Esq.
Pattis & Smith, LLC
383 Orange Street, First Floor
New Haven, CT 06511
P: 203-393-3017
npattis@pattisandsmith.com
catkinson@pattisandsmith.com

For Genesis Communications Network, Inc.

Mario Kenneth Cerame, Esq. (via USPS)
Brignole & Bush LLC
73 Wadsworth Street
Hartford, CT 06106
P: 860-527-9973

/s/ Christopher M. Mattei

CHRISTOPHER M. MATTEI

ALINOR C. STERLING

MATTHEW S. BLUMENTHAL